



New Jersey Department of Children and Families Policy Manual

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Issuance:	HIPAA.1A1	DCF Form HIPAA 1.A.1, State of New Jersey, Department of Children and Families Notice of Privacy Practices	

Click here to view [HIPAA Form 1A1](#).

POLICY

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 (Public Law 104-191, and regulations promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 and 164) was enacted to establish national standards for privacy and security in the handling of health-related information.

HIPAA privacy standards:

- Limit the non-consensual use and release of an individual's health information;
- Give individuals new rights to access their health records, and to know who else has accessed them;
- Restrict access and disclosure of health information to the minimum needed for the intended purpose;
- Establish new criminal and civil sanctions for improper access, use and/or disclosure of protected health information; and
- Establish new requirements for access to health records by researchers and others.

HIPAA provides that anyone for whom a covered entity receives or maintains protected health information (PHI) must receive a Notice of Privacy Practices (NPP). Agency employees are exempt from this requirement. CP&P provides an NPP to: adult clients (parents, legal guardians, etc.), children, and providers of direct service, including, but not limited to, substitute care providers in home-like settings (foster parents, adoptive parents, relative caregivers, etc.). Parents or legal guardians receive the NPP on behalf of their minor children (including children residing at home as well as those in out-of-home placement). An adult child (age 18 or older) who continues in open case status must sign an acknowledgment of receipt of an NPP on his or her own behalf (CP&P Form [11-](#)

[50](#)). If a parent (an adult client) resides outside of the household, CP&P will provide a separate notice to him or her (by mail, if necessary).

A Privacy Officer has been appointed in the Department of Children and Families' Office of Legal Affairs, to monitor compliance throughout DCF.

The Office of Training and Professional Development has incorporated HIPAA privacy concepts into the New Worker Training curriculum.

DEFINITIONS

- "HIPAA" means the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and regulations promulgated by the United States Department of Health and Human Services, 45 CFR Parts 160 and 164, Federal legislation enacted to establish national standards for privacy and security in the handling of health-related information.
- "Notice of Privacy Practices" ("NPP") means a form, developed by a covered entity, to advise its clients and others of their confidentiality rights under HIPAA.
- "Covered Entity" means any health care provider, health plan, or health care clearinghouse that electronically transmits health information. The New Jersey Department of Children and Families is a covered entity. (Each Division, Commission or Office, as a component of the Department, is required to develop its own privacy policies and procedures in compliance. The Office of Education is an exception, and, as such, must be treated as outside the Department for HIPAA purposes.)
- "Protected Health Information" ("PHI") means individually identifiable health information gathered or received by a covered entity. PHI includes oral, written and electronic health information about an individual that is stored or transmitted.

PURPOSE AND USE

The State of New Jersey, Department of Children and Families Notice of Privacy Practices, DCF Form HIPAA 1.A.1, serves to:

- Provide general information about the HIPAA law;
- Describe the covered entity's responsibility for maintaining the privacy of protected health information;
- List the ways in which a covered entity may use or disclose protected health information without a written authorization;
- Explain the rights of individuals for whom an agency receives or maintains PHI;

- Inform how a client or other individual may receive additional information about his or her privacy rights; and
- Inform how a client (adult or child client), direct service provider (such as a foster parent or adoptive parent), or other individual for whom CP&P collects and/or discloses PHI may report a problem or make a complaint.

The NPP is a Department of Children and Families form, approved by the Attorney General's Office for use by the Divisions and agencies which comprise DCF. The text of the form is not subject to change. The Department assigned the NPP form number HIPAA 1.A.1.

A Worker may want to inform his or her clients, and others, that the NPP was designed to be used and distributed to every client of the Department, direct service providers, and others. Therefore, not every use or disclosure of PHI listed in the NPP will be applicable to a given individual's situation. (CP&P Workers need not be "experts" in the law to discuss the Notice of Privacy Practices. Staff should be familiar with the full content of the NPP, however.)

Some clients, direct service providers or other individuals for whom CP&P receives PHI may have concerns when given an NPP. CP&P staff should be prepared to offer reassurance that CP&P is providing the NPP to advise persons of their rights under the Federal law, as required by DCF.

The Notice of Privacy Practices is available in both English and Spanish versions.

CP&P has developed a form for use as a receipt, to document that a CP&P client, direct service provider, or other individual for whom CP&P receives PHI was given an NPP. See Acknowledgment of Receipt of Notice of Privacy Practices, CP&P Form [11-50](#). When providing an NPP, attach a receipt, CP&P Form [11-50](#), to it.

Note: These form instructions pertain to CP&P practice, policy and procedures only. Other Divisions, Commissions and Offices within the Department of Children and Families have developed their own NPP distribution protocols for use by their respective staffs.

PROCEDURES

Workers deliver the NPP in person, at the time of first contact with a client family, whenever possible. By providing notice in person, the Worker can readily obtain signatures on the receipt form, CP&P Form [11-50](#). In addition, the Worker can address any questions the client, child, or a household member may have. The Worker provides the NPP to the client, whether or not he or she agrees to sign for it. The Worker notes any refusal to sign in the child's case record.

CP&P provides foster parent applicants, adoptive parent applicants, and each adult member of their respective households an NPP during the home study process. Applicants and adult household members are asked to acknowledge receipt of the NPP by signing a receipt, CP&P Form [11-50](#).

Area Office Contract Administration Unit staff are responsible for assuring that an NPP is provided to each Contracted Agency home used by CP&P located within the region. Contracted Agency substitute care providers and adult members of their respective households are asked to acknowledge receipt of the NPP by signing CP&P Form [11-50](#).

CP&P Workers or other staff give an NPP to any other individual for whom CP&P receives personal health information. Likewise, each is asked to sign a receipt, CP&P Form [11-50](#).

Should a client, direct service provider or other individual for whom CP&P collects and/or discloses PHI have any questions regarding the Notice of Privacy Practices that the Worker cannot answer (after consultation with the Supervisor), the Worker or Supervisor consult the local office HIPAA Liaison. The Worker follows up by contacting the client with the answer to his or her question.

INSTRUCTIONS FOR COMPLETING THE FORM

The Notice of Privacy Practices, DCF Form HIPAA 1.A.1., is a notice, distributed by CP&P to individuals for whom CP&P receives protected health information. The form is not "completed." (See details in the instructions for CP&P Form [11-50](#), Acknowledgement of Receipt of a Notice of Privacy Practices.)

FORM AVAILABILITY

DCF Form HIPAA 1.A.1 is available for viewing on-line, and can be printed from the CP&P on-line Forms Manual. It is also stocked at local CP&P offices; forms can be ordered from the Forms Unit in the usual manner.

DISTRIBUTION

Original	-	CP&P clients, direct service providers (foster and adoptive parents, etc.), or other individuals for whom CP&P receives PHI.
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